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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,809	04/26/2002	Ronit Eisenberg	026549-000100US	1519

20350 7590 07/08/2009  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
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DAHLE, CHUN WU

ART UNIT	PAPER NUMBER
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1644

MAIL DATE	DELIVERY MODE
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07/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* : Ronit Eisenberg and Tamar Raz

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Application No. 10/009,809  
Technology Center 1600

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Mailed: July 7, 2009

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Before DEBORAH L. PERRY, *Supervisory Paralegal Specialist, Review Team*.  
PERRY, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 22, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

### REQUEST FOR RECONSIDERATION

In response to the Non-Final Rejection mailed January 5, 2009, Appellant filed a Request for Reconsideration and Amendment on February 11, 2009. In this Request for Reconsideration, Appellant requested that the Examiner either allow the claims for present an Examiner's Answer (see pg. 3, lns 16-17). If it was Appellant's intent to request reinstatement of the appeal, this was an improper request.

Appellant should file a new Notice of Appeal or alternatively a Request to Reinstate the Appeal the previous appeal and file a new Appeal Brief for the Examiner's consideration.

### CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to vacate the Examiner's Answer dated March 30, 2009;
- 2) advise Appellant that the Response dated February 11, 2009,  
is an improper request for reinstatement;
- 3) advise Appellant to submit a Reinstatement of Appeal  
and/or  
New Notice of Appeal and new Appeal Brief to respond to new  
grounds;
- 4) for such further action as may be appropriate.

Application No. 10/009,809

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/jsd

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